

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TRACY MAXWELL, #180 058,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:18-CV-757-MHT
)	[WO]
NURSE ORR, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On November 13, 2018, Plaintiff filed a Motion to Substitute or Amend Complaint which the court considers a Motion to Dismiss Defendant Nurse Orr as a party to this cause of action. Upon review of the motion, the court concludes the motion should be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff's Motion to Dismiss Defendant Nurse Orr (Doc. 31) be GRANTED;
2. Defendant Nurse Orr be DISMISSED with prejudice as a party to the complaint; and
3. This case with respect to the remaining defendants be referred to the undersigned for further proceedings.

It is further

ORDERED that **on or before November 29, 2018**, the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, this 15th day of November 2018.

/s/ Charles S. Coody
UNITED STATES MAGISTRATE JUDGE